18 May 2026

Mr. John Swinney
Member of the Scottish Parliament for Perthshire North
First Minister of Scotland

The Scottish Parliament
Edinburgh
EH99 1SP

Copy to: First Minister, Scottish Government, St Andrew's House, Regent Road, Edinburgh, EH1 3DG

Re: Delivery of constitutionally defined office

Dear Mr Swinney,

I am writing to you in your capacity as Keeper of the Great Seal of Scotland — the standing constitutional office of state in continuous operation across at least nine centuries, attached to the modern political role of First Minister (Keeper of the Scottish Seal) by Section 45 of the Scotland Act 1998 — and in advance of your pending attendance at the Court of Session in Edinburgh to retake three oaths before the current Lord President Pentland — the Official Oath for the First Minister office, the Official Oath as Keeper of the Scottish Seal, and the Oath of Allegiance to the 'natural person' Charles Mountbatten-Windsor (Self-titled King Charles III). I note that Westminster enforces these three oaths through its Promissory Oaths Act 1868 and prescribes them via Section 84(4) of the Scotland Act 1998. Both of these acts are *ab initio nulla*: neither has roots in native sovereign Scots Law, and neither merely becomes unlawful through subsequent action — they are inherently incapable of producing lawful effect from the moment of their enactment. Despite both Lord Pentland and yourself perhaps taking the view that you both act *bona fide*, following proper modern procedure, the legal reality in Scots Law remains *inconsulto jure*. The constitutional position of the office you hold, and the substance of your allegiances under those oaths, have always been a matter of public record; the extent of your public duties as 'first minister' was noted in detail in 'The Representative Facts of Scots Sovereign Power' article, which has been published on various online outlets.

The natural person to whom the Oath of Allegiance binds you has not perfected the constitutional position of King of Scots. Charles Mountbatten-Windsor has not taken the Scottish Coronation Oath under the Coronation Oath Act 1567 (c.8), the Scots primary statute that remains in force as the precondition of monarchical position in Scotland. The same individual has not perfected the constitutional position under the Coronation Oath Act 1688 (1 Will. & Mar. c.6) either — the 2023 oath administered to him deviates from the statutory form in three specific respects, none of which has any recorded statutory authority, as identified in the 2017 peer-reviewed analysis by Graeme Watt published in the Ecclesiastical Law Journal. The Oath of Allegiance's

internal qualifier — *according to law* — cannot bind it to a constitutional position the named person has not perfected under either jurisdiction's primary statute.

The Seal you will once again hold over the next five years — throughout the new parliamentary term — predates the Treaty of Union by 613 years. The earliest surviving Great Seal of Scotland impression dates from 1094 under Duncan II. Article XXIV of the Treaty of Union Act 1707 preserved the Seal — separately and explicitly — to be "alwayes kept and made use of" for matters relating to private rights, offices, grants, and commissions within Scotland. The Treason Act 1708 s.12, still in force in Scots law, uses the word "continued" for the same instrument. Two primary statutory sources name the same constitutional reality: the Great Seal of Scotland continues as Scotland's valid sovereign statute instrument. The Seal authenticates Acts of the Scottish Parliament as it has authenticated Acts of every Scottish Parliament across nine centuries. Its constitutional substance rests in standing Scots law and the office of Keeper.

The Keeper of the Great Seal office is by appointment of the Community of the Realm. The popular vote that returned your office at 73 to 56 seats on 7 May 2026 — the largest pro-independence return ever sent to Holyrood — mediates the Community of the Realm's appointment. The Westminster-administered Court of Session ceremony on 19 or 20 May attempts to provide validity to a set of foreign oaths (*juramenta aliena*) through acts of ceremonial performance over an appointment the people of Scotland have constitutionally already made. The constitutional substance of your position is constituted by standing Scots constitutional law, not by *ex defectu potestatis* oaths or legislation imposed by the English government in Westminster.

The Court of Session that will shortly ceremonially administer the three *ab initio nulla* oaths upon you does not, in its current operational form, function legally — per Scots Law — as the senior Scots constitutional judicial forum. Section 40(3) of the Constitutional Reform Act 2005 placed the UK Supreme Court above the Court of Session in civil jurisdiction. The 2005 Act was passed by Westminster without any agreement from the Scots people — no Scottish referendum, no Scottish Parliament vote, no consent. The UK Supreme Court's appellate position over Scottish civil cases is constitutionally illegal at source under standing Scots constitutional law. The judges of the Court of Session sit under commissions issued under Section 95 of the Scotland Act 1998 on the recommendation of the First Minister to a Monarch whose constitutional position is, in Scots law, unperfected at source. The commissions are issued through a Royal Authority that, in Scots constitutional law, has never been perfected.

The 'constitutional question' of sovereignty in Scotland has now been placed before you in your role as Keeper of the Great Seal of Scotland. This is now a matter of public record. The representative facts of Scots Sovereignty and power are legally undeniable, and the question now put before you in advance of re-taking the three oaths of Westminster subordination is this: Do you recognise the Sovereignty of Scots without exception above all others? And do you swear to serve the Scots people and no other masters? The constitutional architecture of Scotland has been operating for

over 900 years. The Great Seal of Scotland sits above the entire Scots Law architecture as the constitutional key which delivers Scots Sovereign legitimacy, and under which you can legally operate and fulfil your duties to Scots.

The Act *salvo jure cujuslibet* — codified at RPS 1592/4/60 and restated at RPS 1663/6/146 — has never been repealed or extinguished by the Treaty of Union Articles, remaining an available instrument in Scots civil and constitutional law. The Salvo doctrine reserves to every member of the Scottish realm the standing to assert that the constitutional rights and substance of the Community of the Realm cannot be extinguished by any particular act. It is that right that I hereby invoke.

Under the standing protection of the *salvo jure cujuslibet* doctrine I hereby invoke my right to objection against your stance taken in your capacity as Keeper of the Great Seal of Scotland towards the sovereignty of Scots, specifically in relation to giving recognition of subordination to the colonial government sitting in Westminster on behalf of Scots. I therefore place the following demands upon you in your official capacity as Keeper of the Great Seal of Scotland (Keeper of the Scottish Seal).

I demand you make the following public, unambiguous declaration, on the official record before the Scottish Parliament, and in clear operative language:

1. That you, in your role as 'Keeper of The Great Seal of Scotland' recognise and affirm the sovereign authority of the Scottish people under the Claim of Right 1689 as the sole and exclusive source of legitimate constitutional power in Scotland.

2. That you, in your role as 'Keeper of The Great Seal of Scotland' will only serve the sovereign people of Scotland and will deliver their authority as instructed, neither recognising or making the same on behalf of any other nation, state or master.

3. That you recognise that the English Crown as referenced in the Promissory Oaths Act 1868 form administered under Section 84(1) of the Scotland Act 1998 is invalid under Scots Law, as is the Scotland Act itself.

4. That you will exercise the constitutional functions of the Keeper of the Great Seal of Scotland — including the authentication of Acts of the Scottish Parliament — solely in accordance with Scots constitutional law, the Claim of Right 1689, and the standing *salvo jure cujuslibet* doctrine, without deference to any external permission, superior sovereignty, or Westminster statutory framework that conflicts with that duty.

Your continued non-performance of the constitutional function of the Keeper office, on this specific matter, constitutes a direct infringement of my legal rights under standing Scots constitutional law:

• As a member of the Community of the Realm under the Claim of Right 1689, I hold the constitutional right to have the Keeper office perform its standing function in the trust capacity in which you hold it on behalf of the sovereign Scottish people.

• As a Sovereign Scot invoking the standing protection of the *salvo jure cujuslibet* doctrine, I hold reserved standing to demand performance of the constitutional

obligations attached to that office.

• As beneficiary of the constitutional trust under which you hold the Great Seal of Scotland, your non-performance constitutes a breach of trust under standing Scots law, actionable through declaratory remedy.

• Your continued non-performance, after this formal invocation has been served, would reaffirm an ongoing breach of the fiduciary duty of the Keeper office under standing Scots constitutional law, actionable seeking remedy at the highest level of Scots sovereign and international law.

The consequences of taking the three *ab initio nulla* oaths will once again place a burden and recognition upon your office as Keeper which will be open to legal scrutiny.

As a public servant acting on behalf of the sovereign Scottish people — myself included as a member of the Community of the Realm — I formally require your direct written response to the demands set out in this letter.

This demand stands on the public record under the standing doctrine and remains open until answered.

Yours sincerely,

Eòin Màrtainn

Member of the Community of the Realm of Scotland

Standing in my own right (*sui iuris*)

Invoking the standing protection of the Act of Salvo Iure Cuiuslibet

Member of SCRDI (Scotland's Commons Research and Development Initiative)